

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTONIO PAYTON,)
vs.)
Petitioner/Defendant,) CIVIL NO. 04-cv-4111-JPG
vs.) CRIMINAL NO. 99-cr-40034
UNITED STATES of AMERICA ,)
Respondent/Plaintiff.)

ANTONIO PAYTON,)
vs.)
Petitioner/Defendant,) CIVIL NO. 04-cv-4205-JPG
vs.) CRIMINAL NO. 99-cr-40034
UNITED STATES of AMERICA ,)
Respondent/Plaintiff.)

MEMORANDUM AND ORDER

GILBERT, District Judge:

This matter is before the Court on two separate motions for relief pursuant to 28 U.S.C. § 2255, as captioned above. According to Petitioner's motion to consolidate (Doc. 5), he filed the first case *pro se* because he was not sure that his retained counsel would file such a motion within the statute of limitations. The Court agrees that these two cases should be consolidated into the first case filed, and therefore the motion to consolidate is **GRANTED**.

IT IS HEREBY ORDERED that the above-captioned cases are hereby **CONSOLIDATED** as one cause of action.

IT IS FURTHER ORDERED that the Clerk shall **FILE** a copy of the § 2255 motion from Case No. 04-cv-4205-JPG as an amended § 2255 motion in Case No. 04-cv-4111-JPG.

IT IS FURTHER ORDERED that all future filings in this matter shall be made in Case No. 04-cv-4111-JPG. No further filings shall be made in Case No. 04-cv-4205-JPG.

The Clerk is **DIRECTED** to **CLOSE** Case No. 04-cv-4205-JPG.

IT IS SO ORDERED.

Dated: August 31, 2005

s/ J. Phil Gilbert
U. S. District Judge